

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

**LARRY FREDERICK and
SHARON FREDERICK,**

Joint Debtors,

**LARRY FREDERICK and
SHARON FREDERICK,**

Movants,

vs.

**M&T BANK, THE UNITED STATES OF
AMERICA FARM SERVICE AGENCY,
CARGILL, INC., SUSQUEHANNA
COMMERCIAL FINANCE, INC.,
GROWMARK FS, LLC, FS FINANCIAL
SERVICES, LLC, WELLS FARGO
VENDOR FINANCIAL SERVICES, LLC,
BLAIR COUNTY TAX CLAIM BUREAU,
PENNSYLVANIA DEPARTMENT OF
REVENUE, AND THE INTERNAL
REVENUE SERVICE,**

Respondents.

**ORDER CONFIRMING SALE OF PROPERTY
FREE AND DIVESTED OF LIENS**

This _____, on consideration of the Debtors, Larry
Frederick and Sharon Frederick's Motion for Sale of Real Property and Personal
Property Free and Clear of all Liens, Claims and Encumbrances and after a
Zoom Hearing on this date regarding said Motion the Court Finds:

(1) That _____ has submitted the highest and best bid in the amount of _____ for the property being sold.

(2) That service of the Notice of Hearing and Order setting hearing on said motion for Sale of Real Property and Personal Property Free and Clear of all Liens, Claims and Encumbrances of the above named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for sale, viz:

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

M&T BANK (Mortgage on Real Property, Security interest in equipment and livestock per UCC.);

THE UNITED STATES OF AMERICA
FARM SERVICE AGENCY (Security interest in equipment and livestock per UCC.);

CARGILL, INC. (Potential security interest in equipment.);

SUSQUEHANNA COMMERCIAL
FINANCE, INC. (Potential security interest in equipment.);

GROWMARK FS, LLC (Potential security interest in equipment.);

FS FINANCIAL SERVICES, LLC
(Potential security interest in equipment.);

WELLS FARGO VENDOR FINANCIAL
SERVICES, LLC (Potential security interest in equipment.);

_____ BLAIR COUNTY TAX CLAIM BUREAU
(Potential tax claim.);

_____ PENNSYLVANIA DEPARTMENT OF
REVENUE (Potential tax claim.);

_____ INTERNAL REVENUE SERVICE
(Potential tax claim.)

(3) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the Movants as shown by the Certificate of Service duly filed and that the named parties were duly served with the Motion.

(3) That said sale hearing was duly advertised on the Court's website pursuant to W.PA.LBR 6004-(c) on _____, in _____ on _____ and in the _____ on _____, as shown by the Proof of Publications duly filed.

(5) That the price of _____ is a full and fair price for the property in question.

(6) That the purchaser is acting in good faith with respect to the within sale in accordance with **In re: Abbotts Dairies of Pennsylvania, Inc., 788 F.2d 143 (3d Cir. 1986).**

IT IS ORDERED, ADJUDGED AND DECREED that the private sale by (Warranty) deed of the real property described in the Motion as a.) 1098 Frederick Road, Martinsburg, PA 16662; Blair County Map Number: 20.00-09.-009.00-000; Acreage: 161.320; b.) 1219 Frederick Road, Martinsburg, PA 16662; Blair County Map Number: 20.00-09.-008.00-000; Acreage: 66.74; and c.) 62

Acre Parcel off of Kensinger Road; Map Number 20.00-12.-001.00-000 (full legal descriptions are attached to the Sale Motion at _____) and by Bill of Sale of the Personal Property identified in the Motion for Sale is hereby confirmed to _____ free and divested of the liens herein described; and, that Larry and Sharon Frederick (Movants), shall make, execute and deliver to the purchaser above named the necessary deed and/or other documents required to transfer the title to the property purchased upon compliance with the terms of sale.

IT IS FURTHER ORDERED that the liens, claims and interests of all Respondents, including, but not limited to M&T Bank; The United States of America Farm Service Agency; Cargill, Inc.; Susquehanna Commercial Finance, Inc.; Growmark FS, LLC; FS Financial Services, LLC; Wells Fargo Vendor Financial Services, LLC; Blair County Tax Claim Bureau; The Pennsylvania Department of Revenue, and The Internal Revenue Service, be, and they hereby are, divested from the property being sold, if and to the extent they may be determined to be valid liens against the sold property, and transferred to the proceeds of sale, and that the within decreed sale shall be free, clear and clear and divested of said liens, claims and interests;

FURTHER ORDERED that after due notice to the claimants, lien creditors, and interest holders, and no objection on their parts having been made or, if made, resolved/overruled, the incidental and related costs of sale and of the within bankruptcy proceeding, shall be paid in advance of any distribution to said lien creditors.

FURTHER ORDERED that applicable real estate taxes and ordinary closing costs and municipal lien claims, shall immediately be paid at closing. Failure of the closing agent to timely make disbursement required by this Order will subject the closing agent to monetary sanctions after notice and hearing.

FURTHER ORDERED that M&T and the FSA shall immediately be paid at closing up to the full amount of their allowed secured claims on the assets being sold.

FURTHER ORDERED that the Movant shall serve a copy of the within Order on each Respondent (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the purchaser, and the attorney for the purchaser, if any, and file a certificate of service.

FURTHER ORDERED that closing shall occur within thirty (30) days of this Order and the Movant shall file a Report of Sale within seven (7) days following closing.

FURTHER ORDERED that this Sale Order survives any dismissal or conversion of the within case.

Date: _____

JEFFERY A. DELLER
United States Bankruptcy Court Judge